



Citation and Notification of Penalty

To:
Baxter Healthcare Corp dba Baxter Bioscience
and its successors
4501 Colorado Blvd.
Los Angeles, CA 90039

Inspection Number: 300874211
Inspection Date(s): 01/21/2011 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Report #: 024-11
Reporting ID: 0950641

Inspection Site:
4501 Colorado Blvd.
Los Angeles, CA 90039

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

Informal Conference - You may request an informal conference with the Manager of the District Office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Telephone: (916) 274-5751
Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

Important: You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, (916) 274-5751.

PENALTY PAYMENT OPTIONS

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying electronically, please have the Penalty Remittance Form on-hand when you are ready to make your payment. The company name, index code, reporting ID, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations
Cashier, Accounting Office
P. O. Box 420603
San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the District Office listed on the Citation by submitting the CAL/OSHA Form 160 and/or 161 with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for serious and general violations **has already been** reduced by 50% on the presumption that the employer will correct the violations by the abatement date." **If the CAL/OSHA Form 161 is not received in the District Office within 10 days following the abatement date, the abatement credit is revoked, causing the penalty to double.**

Note: Return the CAL/OSHA Form 160/161 to the District Office listed on the Citation and as shown below:

Division of Occupational Safety and Health
320 West 4th Street, Suite 850
Los Angeles, CA 90013
Telephone: (213) 576-7451

EMPLOYEE RIGHTS

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

Employee Appeals - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a District Office of the Division.

Employees Participation in Informal Conference. Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

State of California

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CSHO ID: F3576
Optional Inspection Nbr: 024-11



Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Citation 1 Item 1 Type of Violation: **General**

Title 8 California Code of Regulations Section 5157(e)(1)

Permit system.

Before entry is authorized, the employer shall document the completion of measures required by subsection (d)(3) by preparing an entry permit.

Violation

Employees entered permit required spaces without documenting the completion of measures required by subsection (d)(3). The employer did not prepare entry permits which met all of the requirements of this section.

Instance 1:

On January 21, 2011 an employee entered plasma fractionation tank #23 in room 404 which is a permit required confined space and collapsed inside the tank. Two additional employees entered the plasma fractionation tank to attempt to rescue the first employee. These two additional employees also collapsed in the oxygen deficient atmosphere in tank number 23. One employee sustained fatal injuries and two other employees sustained serious injuries. No entry permit was completed prior to entry to ensure acceptable entry conditions were present.

Instance 2:

On and prior to January 21, 2011, employees placed their arms and heads inside plasma fractionation tanks which are permit required confined spaces. Reaching into a permit required confined space constitutes a confined space entry under this standard. No entry permits meeting the requirements of this section were completed prior to these entries to ensure acceptable entry conditions were present.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/21/2011
\$ 1250.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Citation 2 Item 1 Type of Violation: **Willful-Serious-Accident Related**

Title 8 California Code of Regulations Section 5157(c)(3)

General Requirements

If the employer decides that its employees and other employees performing work in the area will not enter permit spaces, the employer shall take effective measures to prevent all such employees from entering the permit spaces and shall comply with subsections (c)(1), (c)(2), (c)(6), and (c)(8).

Violation

Instance 1:

On and prior to January 21, 2011, the employer failed to take effective measures to prevent employees from entering the plasma fractionation tank #23 in room 404. As a result, one employee entered said tank and died and two other employees also entered the tank and suffered serious injuries.

Instance 2:

On and prior to January 21, 2011, the employer failed to take effective measures to prevent employees from placing their arms and hands inside plasma fractionation tanks, which are permit required confined spaces. Reaching into a permit required confined space constitutes an entry under this standard.

Instance 3:

On and prior to January 21, 2011, the employer placed a sign on plasma fractionation tank #23 in room 404 reading "Danger Confined Space Enter By Permit Only". Placement of this sign was not effective to inform employees of the danger posed by the permit space.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/29/2011
\$ 70000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Issuance Date: 07/12/2011
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Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Citation 3 Item 1 Type of Violation: **Serious**

Title 8 California Code of Regulations Section 5157 (c)(4)

General requirements.

If the employer decides that its employees will enter permit spaces, the employer shall develop and implement a written permit space program that complies with this section. The written program shall be available for inspection by employees and their authorized representatives.

Reference: Title 8 California Code of Regulations Section 5157(d)(3)

Permit-required confined space program (permit space program). Under the permit required confined space program required by subsection (c)(4), the employer shall:

Develop and implement the means, procedures, and practices necessary for safe permit space entry operations, including, but not limited to, the following:

- (A) Specifying acceptable entry conditions;
- (B) Isolating the permit space;
- (C) Purging, inerting, flushing, or ventilating the permit space as necessary to eliminate or control atmospheric hazards;
- (D) Providing pedestrian, vehicle, or other barriers as necessary to protect entrants from external hazards; and
- (E) Verifying that conditions in the permit space are acceptable for entry throughout the duration of an authorized entry.

Violation

On and prior to January 21, 2011, the employer did not develop and implement a permit-required space program which complies with all the elements of Title 8 CCR Section 5157(d)(3) referenced above. The

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employer did not implement a procedure to isolate the plasma fractionation tanks. The employer did not develop and implement a procedure to ventilate plasma fractionation tanks using ventilating equipment. The employer did not develop and implement a procedure to continuously monitor plasma fractionation tank atmospheres.

Instance 1:

On January 21, 2011 an employee entered plasma fractionation tank #23 in room 404 which is a permit required confined space and collapsed inside the tank. Two additional employees entered the plasma fractionation tank to attempt to rescue the first employee. These two additional employees also collapsed in the oxygen deficient atmosphere in tank number 23. One employee sustained fatal injuries and two other employees sustained serious injuries. No entry permits were completed prior to entry to ensure acceptable entry conditions were present.

Instance 2:

On and prior to January 21, 2011, employees placed their arms and heads inside plasma fractionation tanks which are permit required confined spaces. Reaching into a permit required confined space constitutes a confined space entry under this standard. No entry permits meeting the requirements of this section were completed prior to these entries to ensure acceptable entry conditions were present.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/29/2011
\$ 11250.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation 4 Item 1 Type of Violation: **Serious**

Title 8 California Code of Regulations Section 5157(c)(7)

General Requirements

A space classified by the employer as a permit-required confined space may be reclassified as a non-permit confined space under the following procedures:

(A) If the permit space poses no actual or potential atmospheric hazards and if all hazards within the space are eliminated without entry into the space, the permit space may be reclassified as a non-permit confined space for as long as the non-atmospheric hazards remain eliminated.

(B) If it is necessary to enter the permit space to eliminate hazards, such entry shall be performed under subsections (d) through (k). If testing and inspection during that entry demonstrate that the hazards within the permit space have been eliminated, the permit space may be reclassified as a non-permit confined space for as long as the hazards remain eliminated.

Note: Control of atmospheric hazards through forced air ventilation does not constitute elimination of the hazards. Subsection (c)(5) covers permit space entry where the employer can demonstrate that forced air ventilation alone will control all hazards in the space.

(C) The employer shall document the basis for determining that all hazards in a permit space have been eliminated through a certification that contains the date, the location of the space, and the signature of the person making the determination. The certification shall be made available to each employee entering the space or to that employee's authorized representative.

(D) If hazards arise within a permit space that has been declassified to a non-permit space under subsection (c)(7), each employee in the space shall exit the space. The employer shall then reevaluate the space and determine whether it must be reclassified as a permit space, in accordance with other applicable provisions of this section.

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Violation

On and prior to January 21, 2011, the employer did not implement the procedures required by this subsection prior to reclassifying a permit-required confined space, including but not limited to entry into the plasma fractionation tanks. The employer failed to evaluate and eliminate all atmospheric hazards associated with the use of ethanol and methanol in plasma fractionation tanks prior to re-classification of these spaces as non-permit required confined spaces.

Date By Which Violation Must be Abated:
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Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Citation 5 Item 1 Type of Violation: Willful-Serious-Accident Related

Title 8 California Code of Regulations Section 5157(d)(1)

Permit-required confined space program (permit space program). Under the permit required confined space program required by subsection (c)(4), the employer shall:

Implement the measures necessary to prevent unauthorized entry

Violation

On and prior to January 21, 2011, the employer did not implement effective procedures to prevent unauthorized entry into permit required confined spaces.

Instance 1:

Between January 20, 2011 and January 21, 2011, an employee entered and exited plasma fractionation tank #23 on four (4) occasions prior to entering the tank and collapsing in the tank upon his fifth tank entry. Plasma fractionation tanks are permit-required confined spaces.

Instance 2:

On January 21, 2011, two other employees entered the tank to perform a rescue and as a result, they sustained serious injuries. The tank was subsequently determined to contain an oxygen deficient atmosphere as nitrogen sparging was being conducted to agitate the plasma mixture inside the tank.

Instance 3:

On and prior to January 21, 2011, employees placed their arms and heads inside seven (7) foot deep plasma fractionation tanks. Plasma fractionation tanks are permit-required confined spaces. Reaching into the opening of a permit required confined space constitutes a confined space entry under this standard.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/29/2011
\$ 70000.00

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Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Citation 6 Item 1 Type of Violation: **Willful-Serious**

Title 8 California Code of Regulations Section 5157(d)(4)

Permit-required confined space program (permit space program). Under the permit required confined space program required by subsection (c)(4), the employer shall:

Provide the following equipment (specified in subsections (A) through (I), below) at no cost to employees, maintain that equipment properly, and ensure that employees use that equipment properly:

- (A) Testing and monitoring equipment needed to comply with subsection (d)(5);
- (B) Ventilating equipment needed to obtain acceptable entry conditions;
- (C) Communications equipment necessary for compliance with subsections (h)(3) and (i)(5);
- (D) Personal protective equipment insofar as feasible engineering and work practice controls do not adequately protect employees;
- (E) Lighting equipment needed to enable employees to see well enough to work safely and to exit the space quickly in an emergency;
- (F) Barriers and shields as required by subsection (d)(3)(D);
- (G) Equipment, such as ladders, needed for safe ingress and egress by authorized entrants;
- (H) Rescue and emergency equipment needed to comply with subsection (d)(9), except to the extent that the equipment is provided by rescue services; and
- (I) Any other equipment necessary for safe entry into and rescue from permit spaces.

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Violation

The employer did not ensure that employees used air testing and monitoring equipment prior to entering permit required confined spaces. The employer did not provide ventilating equipment to obtain acceptable entry conditions. The employer also did not provide rescue and emergency equipment needed to comply with subsection (d)(9) or arrange for rescue by outside rescue agencies.

Instance 1:

On January 21, 2011 an employee entered plasma fractionation tank #23 in room 404 and collapsed inside the tank. Plasma fractionation tanks are permit required confined spaces. The tank was subsequently determined to contain an oxygen deficient atmosphere as nitrogen sparging was being conducted to agitate the plasma mixture inside the tank. The employer did not provide and utilize ventilating equipment to obtain acceptable entry conditions. The employer did not provide and utilize non-entry rescue and emergency equipment needed to comply with subsection (d)(9). The employer did not make prior arrangements for rescue by an outside agency.

Instance 2:

An employee entered plasma fractionation tank #23 to attempt to rescue the first employee already collapsed inside the tank. Plasma fractionation tanks are permit required confined spaces. This employee sustained serious injuries and remains hospitalized. The employer did not ensure the use of air monitoring equipment. The employer did not provide and utilize ventilating equipment to obtain acceptable entry conditions. The employer did not provide and utilize non-entry rescue and emergency equipment needed to comply with subsection (d)(9). The employer did not make prior arrangements for rescue by an outside rescue agency.

Instance 3:

Another employee entered plasma fractionation tank #23 to attempt to rescue the other two employees. Plasma fractionation tanks are permit required confined spaces. The employer did not ensure the use of air monitoring equipment. The employer did not provide and utilize ventilating equipment to obtain acceptable entry conditions. The employer did not provide and utilize non-entry rescue and emergency equipment needed to comply with subsection (d)(9). The employer did not make prior arrangements for rescue by an outside agency.

Instance 4:

On and prior to January 11, 2011, employees entered plasma fractionation tanks to perform cleaning operations. Plasma fractionation tanks are permit required confined spaces. The employer did not provide and

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utilize ventilating equipment to obtain acceptable entry conditions after nitrogen sparging. The employer did not provide and utilize non-entry rescue and emergency equipment needed to comply with subsection (d)(9). The employer did not make prior arrangements for rescue by an outside agency. The employer has not followed the required procedures for re-classification of permit required confined spaces into non-permit required confined spaces.

Instance 5:

On and prior to January 21, 2011, employees placed their arms and heads inside plasma fractionation tanks. Plasma fractionation tanks are permit required confined spaces. Reaching into the opening of a permit required confined space constitutes an entry under this standard. The employer did not provide and utilize ventilating equipment to ensure acceptable entry conditions are maintained. The employer did not provide and utilize non-entry rescue and emergency equipment needed to comply with subsection (d)(9). The employer did not make prior arrangements for rescue by an outside agency.

Date By Which Violation Must be Abated:	07/29/2011
Proposed Penalty:	\$ 70000.00

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Citation 7 Item 1 Type of Violation: **Serious**

Title 8 California Code of Regulations Section 5157(d)(6)

Permit-required confined space program (permit space program). Under the permit required confined space program required by subsection (c)(4), the employer shall:

Provide at least one attendant outside the permit space into which entry is authorized for the duration of entry operations;

Note: Attendants may be assigned to monitor more than one permit space provided the duties described in subsection (i) can be effectively performed for each permit space that is monitored. Likewise, attendants may be stationed at any location outside the permit space to be monitored as long as the duties described in subsection (i) can be effectively performed for each permit space that is monitored.

Violation

Employees entered plasma fractionation tanks without the presence of at least one attendant outside the permit space. Plasma fractionation tanks are permit required confined spaces.

Instance 1:

Between January 20, 2011 and January 21, 2011, an employee entered plasma fractionation tank #23 in room 404. The employee entered the tank on five (5) occasions over a four and a half hour period without the presence of an outside attendant. The employee sustained fatal injuries upon entering the tank the fifth time.

Instance 2:

On January 21, 2011, an employee sustained serious injuries after entering plasma fractionation tank #23. The injured employee was attempting to rescue another employee who had collapsed inside the tank. No attendant was present during this tank entry.

Instance 3:

On January 21, 2011, an employee sustained serious injuries requiring hospitalization after attempting to rescue two other employees who had collapsed inside plasma fractionation tank #23.

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Instance 4:

On and prior to January 21, 2011, employees placed their arms and heads inside plasma fractionation tanks without the presence of at least one attendant outside the space. Reaching into the opening of a permit required space constitutes an entry under this standard.

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Citation 8 Item 1 Type of Violation: Willful-Serious-Accident Related

Title 8 California Code of Regulations Section 5157(d)(9)

Permit-required confined space program (permit space program). Under the permit required confined space program required by subsection (c)(4), the employer shall:

Develop and implement procedures for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, for summoning additional rescue and emergency services, and for preventing unauthorized personnel from attempting a rescue;

Violation

On and prior to January 21, 2011, the employer did not implement non-entry rescue procedures for rescuing entrants from permit spaces. The employer did not implement procedures to prevent unauthorized personnel from entering a space to attempt a rescue.

On January 21, 2011, an employee entered plasma fractionation tank #23 in room 404 and collapsed inside the tank. Two additional employees entered the plasma fractionation tank to attempt to rescue the first employee. These two additional employees also collapsed in the oxygen deficient atmosphere in tank number 23. One employee sustained fatal injuries and two other employees sustained serious injuries.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/29/2011
\$ 70000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Citation 9 Item 1 Type of Violation: **Serious**

Title 8 California Code of Regulations Section 5157(k)(1)

(k) Rescue and emergency services. The employer shall ensure that at least one standby person at the site is trained and immediately available to perform rescue and emergency services.

(1) The following requirements apply to employers who have employees enter permit spaces to perform rescue services.

(A) The employer shall ensure that each member of the rescue service is provided with, and is trained to use properly, the personal protective equipment and rescue equipment necessary for making rescues from permit spaces.

(B) Each member of the rescue service shall be trained to perform the assigned rescue duties. Each member of the rescue service shall also receive the training required of authorized entrants under subsections (g) and (h).

(C) Each member of the rescue service shall practice making permit space rescues at least once every 12 months, by means of simulated rescue operations in which they remove dummies, manikins, or actual persons from the actual permit spaces or from representative permit spaces. Representative permit spaces shall, with respect to opening size, configuration, and accessibility, simulate the types of permit spaces from which rescue is to be performed.

(D) Each member of the rescue service shall be trained in basic first-aid and in cardiopulmonary resuscitation (CPR). At least one member of the rescue service holding current certification in first aid and in CPR shall be available.

Violation

On January 21, 2011 an employee entered plasma fractionation tank #23 in room 404 and collapsed inside the tank. Plasma fractionation tanks are permit required confined spaces. Two additional employees entered the plasma fractionation tank to attempt to rescue the first employee. These two employees collapsed in the

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
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**Citation and Notification of Penalty**

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

oxygen deficient atmosphere in tank #23. One employee sustained fatal injuries and two other employees sustained serious injuries.

The employer did not ensure that employees who attempted confined space rescues were trained to properly use personal protective equipment and rescue equipment necessary for making rescues from permit spaces. Employees who attempted confined space rescues were not trained to perform rescue duties. Employees who attempted confined space rescues did not practice making permit space rescues at least once every 12 months.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/29/2011
\$ 11250.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Citation 10 Item 1 Type of Violation: **Serious-Accident Related**

Title 8 California Code of Regulations Section 5157(k)(3)(B)

(3) To facilitate non-entry rescue, retrieval systems or methods shall be used whenever an authorized entrant enters a permit space, unless the retrieval equipment would increase the overall risk of entry or would not contribute to the rescue of the entrant. Retrieval systems shall meet the following requirements.

(B) The other end of the retrieval line shall be attached to a mechanical device or fixed point outside the permit space in such a manner that rescue can begin as soon as the rescuer becomes aware that rescue is necessary. A mechanical device shall be available to retrieve personnel from vertical type permit spaces more than 5 feet deep.

Violation

On and prior to January 21, 2011, the employer did not employ non-entry rescue, retrieval systems or methods meeting all of the requirements of this subsection during the following confined space entries:

Instance 1:

On January, 21, 2011, an employee entered plasma fractionation tank #23 to rescue an employee inside the tank. The employee was wearing a full body harness and attached self retracting lanyard. The employer did not provide and utilize a mechanical device to facilitate the non-entry rescue of an employee from a vertical permit space which was over 5 feet deep.

Instance 2:

On January, 21, 2011, a second employee entered plasma fractionation tank #23 to rescue two employees inside the tank. The employee was wearing a full body harness and attached self retracting lanyard. The employer did not provide and utilize a mechanical device to facilitate the non-entry rescue of an employee from a vertical permit space which was over 5 feet deep.

Instance 4:

On and prior to January 11, 2011, employees entered plasma fractionation tanks to perform cleaning operations. The employee wore a full body harness and attached self retracting lanyard. The employer did not

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11

**Citation and Notification of Penalty**

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

provide and utilize a mechanical device to facilitate the non-entry rescue of an employee from a vertical permit space which was over 5 feet deep.

Instance 5:

On and prior to January 21, 2011, employees placed their arms and heads inside plasma fractionation tanks. Reaching into the opening of a permit required confined space constitutes an entry under this standard. The employer did not provide and utilize a mechanical device to facilitate the non-entry rescue of an employee from a vertical permit space which was over 5 feet deep.

Date By Which Violation Must be Abated:	07/29/2011
Proposed Penalty:	\$ 22500.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011 - 04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11



Citation and Notification of Penalty

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Citation 11 Item 1 Type of Violation: **Serious-Accident Related**

Title 8 California Code of Regulations Section 5194(h)(2)(E)

Employee Information and Training.

Information and training shall consist of at least the following topics:

Employees shall be trained in the physical and health hazards of the substances in the work area, and the measures they can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous substances, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.

Reference: Title 8 CCR Section 5194(h)(1)

Employers shall provide employees with effective information and training on hazardous substances in their work area at the time of their initial assignment, and whenever a new hazard is introduced into their work area. Information and training may relate to general classes of hazardous substances to the extent appropriate and related to reasonably foreseeable exposures of the job.

Violation

On and prior to January 21, 2011, employees were not effectively trained in the physical and health hazards of nitrogen gas used in the workplace. Employees did not understand the imminent hazards associated with nitrogen, an asphyxiant gas that can create an oxygen deficient atmosphere. Employees were not trained in the measures they can use to protect themselves from these hazards, including appropriate work practices, emergency procedures, and personal protective equipment.

On January 21, 2011 an employee was instructed by his supervisor to introduce nitrogen gas into plasma fractionation tank #23. The nitrogen gas sparging was used to agitate the plasma and ethanol liquid inside the tank. The employee entered into and collapsed in the oxygen deficient atmosphere inside the tank. Two additional employees entered the plasma fractionation tank to attempt to rescue the first employee. One employee later died from his injuries and the two other employees sustained serious injuries. One of these employees remains hospitalized with severe injuries.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

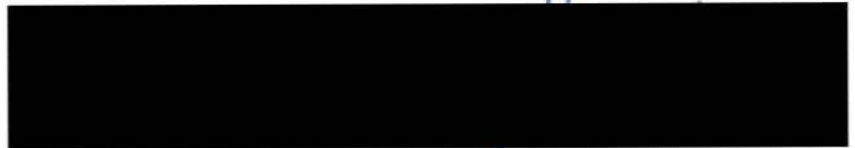
Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 850
Los Angeles, CA 90013

Inspection Number: 300874211
Inspection Dates: 01/21/2011-04/25/2011
Issuance Date: 07/19/2011
CSHO ID: F3576
Optional Inspection Nbr: 024-11

**Citation and Notification of Penalty**

Company Name: Baxter Healthcare Corp dba Baxter Bioscience
Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Date By Which Violation Must be Abated:	Abated
Proposed Penalty:	\$ 22500.00



Compliance Officer/District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California
Division of Occupational Safety and Health
320 West 4th St., Suite 850
Los Angeles, CA 90013
Phone: (213) 576-7451 Fax: (213) 576-7461

NOTICE OF PROPOSED PENALTIES

Company Name: Baxter Healthcare Corp dba Baxter Bioscience

Inspection Site: 4501 Colorado Blvd., Los Angeles, CA 90039

Mailing Address: 4501 Colorado Blvd., Los Angeles, CA 90039

Issuance Date: 07/19/2011

Reporting ID: 0950641

Index Code: 4041

Summary of Penalties for Inspection Number 300874211

Citation 1, General	= \$	1250.00
Citation 2, Serious	= \$	70000.00
Citation 3, Serious	= \$	11250.00
Citation 4, Serious	= \$	11250.00
Citation 5, Serious	= \$	70000.00
Citation 6, Serious	= \$	70000.00
Citation 7, Serious	= \$	11250.00
Citation 8, Serious	= \$	70000.00
Citation 9, Serious	= \$	11250.00
Citation 10, Serious	= \$	22500.00
Citation 11, Serious	= \$	22500.00
TOTAL PROPOSED PENALTIES	= \$	371250.00

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID, and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

DEPARTMENT OF INDUSTRIAL RELATIONS
CASHIER, ACCOUNTING OFFICE
P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH - CAL/OSHA
Cashier, Accounting Office
P.O. Box 420603
San Francisco, CA 94142-0603
Phone (415) 703-4296 or (415) 703-4308 FAX (415) 703-3037
PENALTY REMITTANCE FORM

CIVIL PENALTY INFORMATION INSPECTION NUMBER 300874211 REPORTING ID 0950641 INDEX CODE 4035

ESTABLISHMENT NAME Baxter Healthcare Corp dba Baxter Bioscience

CONTACT PERSON _____

PHONE NO. _____

FAX NO. _____

SITE ADDRESS 4501 Colorado Blvd., Los Angeles

MAILING ADDRESS 4501 Colorado Blvd., Los Angeles, CA, 90039

CITATION INFORMATION (Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed.)

Payment is for the following Citation Items: (e.g. Citation 1, Items 1-5; Citation 3)

TYPE OF PAYMENT ENCLOSED

CHECK OR MONEY ORDER INFORMATION

CHECK ENCLOSED IN THE AMOUNT OF \$ _____

MONEY ORDER ENCLOSED IN THE AMOUNT OF \$ _____

(Please make check or money order payable to CAL/OSHA and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order.)

Go to www.dir.ca.gov/dosh to access the on-line third party secure payment processing site or Complete this section and fax to (415) 703-3037

CREDIT CARD INFORMATION: CONVENIENCE FEE APPLIES

CREDIT CARD NO. _____ EXPIRATION DATE _____

CREDIT TYPE Discover, MC and Amex) _____ SECURITY CODE (last 3 digits on back of Discover and MC cards)
_____ (4 digits on front of Amex card)

NAME OF CARDHOLDER _____ SIGNATURE _____

EMAIL ADDRESS _____

CARDHOLDER PHONE NO. _____ FAX NO. _____

AMOUNT OF PAYMENT \$ _____

----- FOR OFFICE USE ONLY -----

AUTHORIZATION NO. _____ DATE PROCESSED _____

PROCESSED BY _____

Please call 415-703-4308 or complete the information above and fax to 415-703-3037
Electronic Funds Transfer EFT Option - No convenience fee applies: **Go to www.dir.ca.gov/dosh**

Cal/OSHA-2 PRF Rev 6/10

NOTICE OF ACCIDENT-RELATED VIOLATION AFTER INVESTIGATION

Page 1 of 1

Baxter Healthcare Corp dba Baxter Bioscience
4501 Colorado Blvd.
Los Angeles, CA 90039

An investigation of an industrial accident or occupational illness was conducted by **Victor Copelan** at a place of employment located at **4501 Colorado Blvd., Los Angeles** on **01/21/2011**.

DESCRIBE THE CONDITION INSPECTED:				
A confined space accident which occurred on January 21, 2011.				
It has been determined by the Division that the fatal or serious injury, illness or exposure described above was related to the following serious, willful or repeat violation:				
<u>Serious, Willful Serious</u> <u>5157(c)(3),5157(d)(1),5157(d)(4),5157(d)(9),5157(k)(3)(B),5194(h)(2)(E)</u>				
CLASSIFICATION OF VIOLATION		TITLE 8 CCR SECTION		
Signature _____		Signature _____		
Safety Engineer/Industrial Hygienist		District Manager		
Date of issuance <u>07/19/2011</u>		Date investigation completed <u>04/25/2011</u>		
Upon request, the Division will provide the employer with a copy of its inspection report pertaining to this investigation.				
4	1	F3576	024-11	300874211
Region	District	SE/IH Identification No.	Optional Report No.	CAL/OSHA Form 1 Report No.

EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF REGULATORY AND/OR GENERAL VIOLATIONS

EMPLOYER: Baxter Healthcare Corp dba Baxter Bioscience
ADDRESS: 4501 Colorado Blvd.
Los Angeles, CA 90039

The law requires that violations observed during the inspection/investigation completed on 04/25/2011 of the place of employment located at 4501 Colorado Blvd., Los Angeles, CA be corrected within the time limit specified. Please notify the Division as soon as these conditions have been corrected by returning this completed form. Your response by completing, signing and mailing this form to the issuing office on or before the compliance date may avoid a follow-up inspection of your facilities. **Failure to timely complete and return this form may result in issuance of a citation and civil penalty for violation of 8CCR 340.4(c).**

NOTE: This form does not serve as a request for a time extension. If there are serious problems beyond your control that prevent meeting a specified abatement date, contact the Division early, well within the 15-day limit allowed for an appeal.

PLEASE COMPLETE AND MAIL BY 08/21/2011

This signed statement or a summary shall be posted for three (3) working days at or near each place the regulatory and/or general violation(s) referred to in the citation occurred.

LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO CORRECT EACH CITATION & ITEM NUMBER OF THE UNSAFE CONDITIONS AND DATE OF ABATEMENT.

☐ Continued on additional page

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g). ☐ Yes ☐ No

This certifies that all unsafe conditions listed in the Division's citation dated 07/19/2011 have now been corrected and all submitted abatement information is accurate.

Signature: _____ Date: _____

Name: _____ Title: _____

OFFICE USE ONLY	
Division Engineer/Industrial Hygienist: _____	Date _____
District Manager: _____	Date _____
<input type="checkbox"/> Close/Comments	
Region <u>4</u> District <u>1</u> Inspection No. <u>300874211</u> Identification No. <u>F3576</u> Cal/OSHA Rpt. No. & Fiscal Year <u>024-11</u>	

Date mailed or delivered: 07/19/2011

Cal/OSHA 160 (09/01/2000)

EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF SERIOUS VIOLATIONS

EMPLOYER: Baxter Healthcare Corp dba Baxter Bioscience
ADDRESS: 4501 Colorado Blvd.
Los Angeles, CA 90039

The law requires that violations observed during the inspection/investigation completed on 04/25/2011 of the place of employment located at 4501 Colorado Blvd. Los Angeles CA be corrected within the time limit specified. Labor Code 6320(b), requires that you submit this signed statement under penalty of perjury which describes the measures for abating each citation which alleges a serious violation. If the signed statement is not received within 10 working days after the end of the period fixed for abatement, the Division will be required to revoke any adjustments to the civil penalty based upon the assumption that you will abate the violation. This action will result in a doubling of the civil penalty for serious violations. If you have filed a timely appeal with reference to a particular citation, the abatement date is stayed during the appeal process and the Signed Statement need not be submitted at this time. In addition, if there are problems beyond your control that prevent meeting a specified abatement date, contact the Division early so that a request for extension can be considered.

This Signed Statement shall be posted for three (3) working days at or near each place the serious violation referred to in the citation occurred.

THIS FORM MUST BE RECEIVED AT THE ABOVE ADDRESS ON OR BEFORE 07/29/2011

DESCRIBE AND LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO ABATE EACH SERIOUS VIOLATION

Citation Number	Number of Instances	Measures Taken to Abate Serious Violations	Abatement Date

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g). ☐ Yes ☐ No

I have reviewed the foregoing statement and declare under penalty of perjury that it is true and correct to the best of my knowledge and all submitted abatement information is accurate.

Executed at _____, California by

Signature: _____ Date: _____

Name: _____ Title: _____

OFFICIAL USE ONLY

Division Engineer/Industrial Hygienist: _____ Date: _____

District Manager: _____ Date: _____

☐ Close/Comments:

Region 4 District 1 Inspection No. 300874211 Identification No. F3576 Cal/OSHA Rpt. No. & Fiscal Year 024-11

Date mailed or delivered: 07/19/2011

Cal/OSHA 161 (09/01/2000)